

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Joseph Cecil Gardner, Jr.

Docket No. 4:99-CR-47-1H

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Joseph Cecil Gardner, Jr., who was previously found guilty of Conspiracy to Steal Firearms, Theft of Firearms from a Federal Firearms Licensee and Aiding and Abetting, Possession of Stolen Firearms and Aiding and Abetting, and Possession of a Firearm by a Convicted Felon, and was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on April 18, 2000, to the custody of the Bureau of Prisons for a term of 151 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Joseph Cecil Gardner, Jr., was released from custody on October 2, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 5, 2015, the defendant was arrested by the Greene County Sheriff's Office, Snow Hill, North Carolina, for Driving While Impaired (15CR50177), which occurred on the same day. On April 8, 2015, Gardner met with the probation officer and admitted he had been drinking alcohol at the time of the offense, but will likely plead not guilty in court. Additionally, the defendant acknowledged he had previously used cocaine, although his drug urinalysis tests were returned with negative results. On May 28, 2015, the defendant was charged by Kinston Police Department, Kinston, North Carolina, with Assault on a Female (15CR51243) and Resisting a Public Officer (15CR51242) for conduct that occurred on May 27, 2015. On June 3, 2015, Gardner and his girlfriend, Shanita Rouse, who was also the alleged victim of the assault, met with the probation officer and each acknowledged they had been drinking at the time of the incident. Ms. Rouse indicated that she does not plan to pursue the charge in state court in that she reportedly initiated the altercation by throwing a drink on Gardner; however, both acknowledged Gardner struck Rouse in the face. The above-noted offenses are pending disposition.

The defendant will be required to report for more frequent drug testing measures and will be reporting for intensive substance abuse counseling. Additional sanctions for these violations are recommended and shall include anger management counseling, confinement of 3 days in the custody of the Bureau of Prisons, and participation in a cognitive behavioral program as directed by the probation officer.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of anger management treatment, as directed by the probation office.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

3. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.


Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,
/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.
/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 S. Evans St., Room 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: June 18, 2015

ORDER OF THE COURT

Considered and ordered this 22nd day of June 2015 and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge